

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK -----X In Re: DENISE D'ANNA, Debtor, -----X	NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN AND ATTORNEY FEE REQUEST 507 Case No.: 1-16-42856 Chapter 13 Hon. Nancy Hershey Lord Marianne DeRosa, Esq., Chapter 13 Trustee

Hearing Date: 17 June 2020
Hearing Time: 3:30pm
Hearing Location: United States Bankruptcy Court
Eastern District of New York
271 Cadman Plaza East - Rm 3577
Brooklyn New York 11201

COMES NOW the above-named Debtors, Denise D'Anna, by and through her attorney, Gregory A Flood, and hereby moves this honorable Court for an Order permitting debtor to modify her Chapter 13 plan pursuant to 11 USC 1329 to pay their Chapter 13 plan and for an order for attorney compensation pursuant to 11 USC 507(a)(2). In support hereof, Debtors shows the Court the following:

1. The Debtor filed a Chapter 13 bankruptcy petition on June 28 2016.
2. The case was assigned to Chapter 13 Trustee, Marianne DeRosa.
3. That a §341 hearing was held and closed.
4. That on September 15 2016 debtor filed a 2nd Amended Chapter 13 plan as docket number 12 that called for Chapter 13 plan payments to pay all creditors in full.
5. That on November 18 2016, a hearing on confirmation was held and the

Chapter 13 plan, docket 12, was confirmed.

6. That the full claim bar date passed on November 1 2016.
7. That on December 18 2018 debtor's Chapter 13 plan was modified to alter the monthly payment. The modified plan was a 100% plan. ECF Doc 26.¹
8. That debtor was employed as a New York City Department of Education principal. Based upon a settlement of the principal's union contract, principals were to receive retroactive lump sum payments. The last payment was due March 20 2021 in the amount of \$19,000.
9. That in February, 2020, debtor took a new position with the New York City Department of Education as an assistant to the Superintendent. As a result of taking the position, she is no longer a member of the Principal's Union and will no longer receive her retroactive raise payment in March, 2021. However, the new position had a higher yearly salary and debtor now earns \$174,593.04 per year.²
10. The current modified Chapter 13 plan called for monthly payments of \$1,800 per month from March, 2020 through and including June, 29 2021 along with a lump sum payment of \$19,000 in March 2021.
11. Debtor now proposes to modify her Chapter 13 plan to provide for monthly payments of \$2,200.00 per month commencing May 29 2020 through and including June 29 2021.³
12. That through March 31 2020, debtor has made plain payments in the amount of \$104,370.00. Currently there remains \$30,120.65 of plan payments

¹ Annexed as Exhibit 1 is a copy of the current modified C13 plan, ECF Doc 26.

² Annexed as Exhibit 2 is a copy of debtors current check from the NYC DOE.

³ Annexed as Exhibit 3 is the proposed 2d modified C13 plan.

remaining.⁴

13. That the new modified plan will pay \$30,800.00 of plan payments, which would still pay all claims and Trustee fees in full.
14. That debtor attorney further requests compensation for services rendered under 11 USC 507(a)(2) in the amount of SIX HUNDRED DOLLARS (\$600.00) based upon the time to make the motion and appearing for the motion for a total billing time of three-four hours.

WHEREFORE, Debtors pray of the Court as follows:

- A. That the Court grant debtors application to modify their Chapter 13 plan; and
- B. Such other and further relief as the Court may deem just and proper.

DATED: 12 May 2020
Staten Island, New York

_____/s GREGORY A FLOOD
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To:

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No mailing as per court rules: <http://www.nyeb.uscourts.gov/judges-procedures#1006>

Ms Marianne DeRosa, Esq

⁴ Annexed as Exhibit 3 is a copy of the C13 T receipt and disbursement report through March 31 2020.